

Superintendents' Update

February 2002

Bureau of Administration and School Improvement Services Iowa Department of Education

(This document is also available on the DE web site.)

www.state.ia.us/educate/

1. **Annual Progress Reports (APRs)**. The Department has distributed 2000-01 APR feedback to LEAs, AEAs, each Diocese, and the Archdiocese. This feedback includes a summary of all APR requirements by LEA, a summary of district-wide assessment plans, a statewide data summary, and a technical assistance document for quality goal writing. Iowa school districts and accredited nonpublic schools are to be commended for the increasing high quality of the annual reports to their local communities—reports that “tell their story.”
2. **Comprehensive School Improvement Plan (CSIP) and APR Requirements due September 15, 2002**. The Department is beginning revisions and improvements on the “Requirements Checklists” for both the CSIP and APR due September 15, 2002. Only those schools receiving comprehensive site visits during the 2001-02 school year will submit new five-year CSIPs. Every school district and accredited nonpublic school in Iowa will submit an APR. The Department intends to distribute both checklists by April, barring legislative changes. Please send any recommendations for improvement for either or both of these checklists to Jeanette McGreevy.
Contact: Jeanette McGreevy, 515-281-4750, jeanette.mcgreevy@ed.state.ia.us
3. **Study of Iowa's Homeless Population**. The Iowa Departments of Education and Economic Development have again commissioned a study of Iowa's homeless population. The federal government, under the McKinney Homeless Assistance Act, requires the study. Since 1988 seven other studies have been completed with the latest one occurring in 1999.

The primary purposes of this study are the following:

- ❖ Estimating the size of the homeless population in Iowa.
- ❖ Providing a basic demographic profile of the homeless population.
- ❖ Investigating the causes of homelessness.
- ❖ Identifying the educational needs of homeless children and youth.
- ❖ Surveying the extent these educational needs are being met by schools.
- ❖ Identifying the personal needs of homeless adults, children and youth.
- ❖ Surveying the extent these personal needs are being met by schools and community agencies.
- ❖ Identifying barriers that interfere with the meeting of educational and personal needs of homeless adults, children, and youth.
- ❖ Providing state agencies with information to evaluate programs.
- ❖ Developing an accurate statewide count of the homeless population to ensure Iowa receives all the federal homeless assistance funds for which it is eligible.

A survey form and an explanation letter are being mailed to the principals of each school within your district by an independent researcher (Dr. William Boettcher). Please help us obtain the information requested by encouraging your principals to complete and return the survey form.

School Leaders in Iowa

281-IAC Chapter 33, Educating the Homeless, requires implementation of identification, program placement, and provision of services. The completion of Chapter 33 requirements is monitored during the Iowa Department of Education's equity and school improvement accreditation visitation. The homeless education Web site, <http://www.state.ia.us/educate/ecese/is/homeless/index.html>, includes information that assists schools in meeting Chapter 33 requirements. The web site includes two Power Point presentations, "Homeless Students: Definition, Rights, and Identification" and "Homeless Students: Meeting Their Needs." The completion of the survey form will enable schools to meet the identification requirements of Chapter 33.

Contact: Dr. Ray Morley, Department of Education, 515-281-3966, ray.morley@ed.state.ia.us or Dr. William Boettcher, 515-226-0876, bboetch@msn.com.

4. **Revised Certificate of Immunization.** A revised Certificate of Immunization card, 8 ½ X 11 inches, is available from the Health Protection Clearinghouse. Call 1-888-398-9696 or fax order to 319-861-2869. Consider starting the transition to the new card with incoming 2002 Kindergartners. The 3 X 5-inch card will still be acceptable and existing cards will not have to be updated. The 3 X 5 card will no longer be produced.
Contact: Tina Patterson, 515-281-7053 or call the Bureau of Immunization, Iowa Department of Public Health, toll-free number 1-800-831-6293.
5. **School Health Services Newsletter.** The January 2002 School Health Services newsletter is on the Health Promotion Initiative page on the DE web site. View the newsletter through the shortcut below.
http://www.state.ia.us/educate/ecese/cfcs/health_promotion/index.html
Contact: Charlotte Burt, 515-281-5327, charlotte.burt@ed.state.ia.us

Teacher Quality

6. **Model Criteria for the Iowa Teaching Standards.** The State Board of Education initiated the process to incorporate model criteria for the Iowa Teaching Standards into rule. The proposed criteria can be viewed at <http://www.state.ia.us/educate/ecese/tqt/tc/standards.html>. 281-IAC 83, which previously addressed beginning teacher induction and mentoring programs, will be modified to become a rules chapter addressing all of the requirements under the Teacher Quality program. The amended Chapter 83, which includes the draft criteria, can be viewed at http://www.state.ia.us/educate/rules/r281_c83_02jan.htm.

Public hearings to gather input on the amended Chapter 83 rules will be held March 5, 6, & 7 via the ICN. Refer to the chart below for specific site information. These hearings are open to the public. The origination sites for all three ICN sessions is the Iowa Department of Education.

Contact: Jeff Berger, 515-281-6719, or jeff.berger@ed.state.ia.us

ICN Hearing Sites Chapter 83 – Draft Criteria for the Iowa Teaching Standards		
March 5	March 6	March 7
7:00 – 9:00 p.m.	4:00 – 6:00 p.m.	11:30 a.m. – 1:30 p.m.
Atlantic MS	Anita HS	Atlantic MS
Bettendorf HS 1	Bettendorf CC1	Aurelia HS
Carroll HS	Burlington AEA	Bettendorf AEA
Cedar Falls AEA (CART)	Carroll HS	Burlington AEA
Cedar Rapids CC3	Cedar Falls AEA (CART)	Carroll CC
Chariton HS	Cedar Rapids CC2	Cedar Falls AEA (CART)
Cherokee HS	Cherokee HS	Cedar Rapids CSD Administrative Offices
Council Bluffs AEA	Clear Lake AEA	Chariton HS
Creston HS	Council Bluffs AEA	Clear Lake AEA
Cylinder AEA	Creston HS	Council Bluffs AEA
Elkader – Central Comm HS	Cylinder AEA	Creston AEA
Fort Dodge AEA	Elkader – Central Comm HS	Cylinder AEA

ICN Hearing Sites Chapter 83 – Draft Criteria for the Iowa Teaching Standards		
March 5	March 6	March 7
7:00 – 9:00 p.m.	4:00 – 6:00 p.m.	11:30 a.m. – 1:30 p.m.
Fredericksburg HS	Fort Dodge AEA	Elkader AEA
Johnston AEA	Johnston AEA	Fort Dodge HS
Manly-North Central HS	Marshalltown AEA	Johnston AEA
Marshalltown AEA	Maquoketa HS	Marshalltown AEA
Mid Prairie HS	Ottumwa CC4	Maquoketa HS
New London HS	Sioux Center AEA	Mid Prairie HS
Northeast – Goose Lake HS	Sioux City AEA	New Hampton HS
Ottumwa AEA	Turkey Valley HS (Jackson Junction)	Ottumwa AEA
Sioux Center AEA		Sioux Center AEA
Sioux City – Central Campus		Sioux City AEA

7. **Teacher Evaluator Approval Training Program Development.** The Department accepted the proposal submitted by the collaboration between the AEAs, SAI, UNI, and SERVE (Southeast Regional Laboratory) to develop a revised teacher evaluator approval training program to support the Teacher Quality program legislation. Work to develop this training has already begun. Look for more detailed information regarding this program development in the near future. It is anticipated that the 1st cohort of training will begin in June. The first priority for enrollment will be administrators working with first year teachers this year. By the end of the second year for these teachers, a comprehensive evaluation under this new system must be completed with a recommendation made for Career I licensure.

Approximately 50 trainer/coaches will be employed and trained to deliver this new process in five regions across the state. Those interested in becoming a trainer/coach for this revised process can access the SAI web site at www.sai-iowa.org for application materials or can call SAI at 515-267-1115. The Department will also forward application materials to all schools, school districts, and AEAs.

Contact: Jeff Berger, 515-281-6719, or jeff.berger@ed.state.ia.us

Legal Lessons

Contact: Carol Greta, 515-281-5295, carol.greta@ed.state.ia.us

8. **Driver Education FAQ.** This FAQ has been updated and is available on the Department's web site through many paths. Either click on FAQ on the home page, or get there via menu options under Divisions and Bureaus, Programs and Services, or the bulleted item on the home page. Any way you get there, you will find a complete list of commonly asked questions and answers about driver education, including a section on "School Licenses." One item to highlight is **fees charged for a driver education course**. School districts may charge a fee for driver education. However, if a student is eligible for fee waiver, the district must honor that waiver if the student is a resident of the district. This includes students who receive competent private instruction (CPI).
9. **Report of Competent Private Instruction (CPI) – Form A.** Make sure that your district has a Form A for all resident students of compulsory attendance age who receive CPI. In addition to home schooled students, if the district has students who attend a non-accredited nonpublic setting, they are receiving CPI. Make sure those students have Form A. If you are not sure if all of your resident students have completed this form, enlist the help of the administrators of the non-accredited nonpublic "schools" in your area.
10. **Instructional Materials to CPI Students.** The Department receives many questions about the rules for providing textbooks and supplementary materials to CPI students. If a CPI student is neither dual enrolled nor enrolled in the district's home school assistance program (HSAP), the district has no obligation to provide instructional materials, but the district may do so. If a CPI student is either dual

enrolled or enrolled in HSAP, the district shall provide such materials. Here are a few guidelines to follow:

- NEVER give monetary payments directly or indirectly to the parent/guardian/custodian of a student who receives CPI.
- DE administrative rule 281-31.4(4)(b) states that these materials are to be provided to CPI students who dual enroll or are in HSAP “on the same basis” as they are provided to your regularly enrolled students. This means that the district has the final say about the materials it provides and is the ultimate owner of the materials.
- In all cases, texts and materials (unless of a consumable nature) come back to the district at the end of the school year.
- If a parent presents the district with a “wish list,” that’s OK as long as the district carefully reviews the list and determines that all items are appropriate to provide to a regularly enrolled student.
- NEVER consent to provide religious materials, as these would not be appropriate for use with the regularly enrolled population.
- The district is spending public funds; therefore, it is the final decision-maker as to what is appropriate.
- It is permissible to charge a fee if a fee would be charged to a regularly enrolled student for the same materials.

11. Recent Appeal Summaries on Student Expulsions. Summaries of these appeal decisions appear on the DE web site. Click on “state board,” then “appeal decisions.” This month’s summary focuses on student expulsions.

- a. Disparate Punishment. Often more than one student will be involved in the same incident, same offense. Your administration and board are then faced with the question of whether the same punishment is appropriate for the students involved. The lesson to be derived from *In re Alicia McGee* (16 D.o.E. App. Dec. 324) is that the punishments do not have to be identical. It is within the board’s discretion to consider extenuating circumstances and to mete out punishment accordingly. For example, one student might be a ringleader, one or more students might be followers, and/or one or more students might have multiple disciplinary measures that have already been implemented while another student may be involved in actionable behavior for the first time.

CAUTION: Consideration of extenuating circumstances, both good and bad, does not take place during the fact-finding portion of a hearing. Only after the board has determined that the incident took place and that the students were involved, may it turn to the “consequences” or punishment part of the hearing and consider other circumstances. The standard that the State Board uses in determining whether to reverse a local board is whether the local decision was “unreasonable and contrary to the best interests of education.” (*In re Jesse Bachman*, 13 D.o.E. App. Dec. 363.)

- b. Due Process. The procedures used in the suspension/expulsion process are just as important, if not more so, than the substantive decision that is made. Some of the due process standards to pay extra attention to are as follows:
- i. The expulsion hearing must be promptly held, but with a minimum of three (3) days’ notice to the student and his/her parents.
 - ii. The board must issue written findings and conclusions and a summary of the testimony upon which it relied soon after the hearing is held.
 - iii. Give the student and parents written notice of the hearing and written notice of the rights that they have with respect to the hearing. These rights include the right to be represented by counsel at the hearing and the right to ask that the hearing be held in closed session pursuant to Iowa Code section 21.5(1)(e).
 - iv. Give the student and parents written notice of the evidence that the administration will present against the student. This includes a written list of witnesses and a summary of what they will state.
 - v. A student must be given an opportunity to present evidence on his/her own behalf.
- In re John Lawler* (18 D.o.E. App. Dec. 16; 18 D.o.E. App. Dec. 357); *In re Nicholas Guthrie* (19 D.o.E. App. Dec. 306).

12. **Building Closures.** Local boards are facing difficult decisions about whether to close attendance centers amid tightening budgets. Twenty years ago, the State Board of Education first provided procedural guidelines to districts involved with the closing and/or restructuring of attendance centers in the appeal decision of *In Re Barker*, 1 D.P.I. App. Dec. 145. Since that time, these guidelines have become known as the *Barker* guidelines, and they have been consistently used by the State Board of Education to determine whether procedures were properly followed. These guidelines are as follows:

- a. The board shall establish a timeline in advance for carrying out the procedures involved in making the decision on the matter, focusing all aspects of the timeline upon the anticipated date that the board will make its final decision on the matter.
- b. The board shall inform all aspects of the communities within its district that the matter is under consideration by the board.
- c. The board shall seek public input in all study and planning steps involved in making the decision.
- d. The board shall carry out sufficient research, study and planning, either directly or through groups and/or individuals selected by the board. The research, study and planning shall include consideration of, among other thing, student enrollment statistics, transportation costs, financial gains and losses, program offerings, plant facilities, and staff assignment.
- e. The board shall ensure that there is open and frank public discussion of the facts and issues involved.
- f. The board shall make a proper record of all steps taken in the making of the decision.
- g. The board shall make its final decision in an open meeting with a proper record made thereof.

After the local board has voted, any dissatisfied constituent may file an appeal with the State Board of Education within 30 days of the local board's decision. On appeal, the State Board examines the local decision solely for the purpose of determining whether the above procedural guidelines were followed. The substantive decision is not at issue because the State Board has no authority to second-guess the outcome. Iowa Code section 279.11 specifically states that a *local school board* has authority to close an attendance center and reassign students to other attendance centers within the district. The review at this agency is limited to making sure that the way in which the decision was made was all done according to Hoyle (or *Barker*).

11. **Unsolicited Reference Materials.** The Department has received notification that some districts may be receiving (or may have already received) a brown padded 11" x 14" envelope from Ambassador Bandar bin Sultan of the Saudi Arabia Embassy in Washington, D.C. The FBI indicates that there is no risk to anyone who opens the envelope. The contents of the envelope (videotape and two books) are intended for schools to use as an educational aid to understanding the Islamic faith.

The contents may raise a question for some of you about accepting such materials. If you have a board policy about unsolicited gifts, follow the policy. In the absence of a written policy, remember that Iowa Code section 280.6 states that "[r]eligious books such as the Bible, the Torah, and the Koran shall not be excluded from any public school or institution in the state, nor shall any child be required to read such religious books contrary to the wishes of the child's parent or guardian."

This allows you to accept such a gift but does not mandate acceptance. If you accept the materials, make sure you do not require any student to use them. Likewise, make sure that you either already have or are willing to accept similar materials that enhance understanding of other major world religions. You do not have to be proactive in looking for similar books and videos about other religions, just be willing to accept them. On the other hand, if you believe that it is better to refuse all such reference materials, that is your right. Just make sure that your treatment of secular materials is consistent, and that the major sacred texts listed in section 280.6 are available to your students.

Department Budget Reductions and Reduced Service

13. **FAQ's on the Department's Web Site.** As DE staff is reduced in number, one strategy to maintain technical assistance is to increase the FAQ areas on the Department's web site for your benefit. Please note that this month, FAQ's have been added that address the following areas: attendance (including age eligibility), tuition/fees, calendar issues, and post-secondary enrollment options. More will follow each month, including answers to commonly asked questions about such topics as open enrollment, competent private instruction, suspensions/expulsions, transportation, and school lunch.

Please advise your staff to check the Department's web site for the answers they need. Also send ideas to Carol Greta for other topics for which FAQ's would be helpful.

Contact: Carol Greta, 515-281-5295, carol.greta@ed.state.ia.us